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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

Federal Communications Commission
Office of Secretary

In the Matter of)
)
Revision of the Commission's Rules)
To Ensure Compatibility with)
Enhanced 911 Emergency Calling Systems)

CC Docket No. 94-102
RM-8143

To: The Commission

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NEXTEL COMMUNICATIONS, INC.
REPLY TO OPPOSITION OF NENA, APCO AND NASNA

NEXTEL COMMUNICATIONS, INC.

Robert S. Foosaner
Senior Vice President -
Government Affairs

Lawrence R. Krevor
Director - Government Affairs

Laura L. Holloway
General Attorney

Nextel Communications, Inc.
800 Connecticut Avenue, N.W.
Suite 1001
Washington, D.C. 20006
202-296-8111

Dated: October 15, 1996

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I. INTRODUCTION

Pursuant to Section 1.429(g) of the Rules of the Federal Communications Commission ("Commission"), Nextel Communications, Inc. ("Nextel") respectfully submits this Reply to the Opposition of the National Emergency Number Association ("NENA"), the Association of Public-Safety Communications Officials-International, Inc. ("APCO") and the National Association of State Nine One One Administrators ("NASNA") (collectively "Joint Commenters").^{1/}

II. DISCUSSION

In the petitions for reconsideration filed in this docket, five parties,^{2/} including Nextel, petitioned the Commission for reconsideration of its decision to require the transmission of 911

^{1/} Opposition and Comments of NENA, APCO, and NASNA filed in the above-referenced proceeding on October 8, 1996.

^{2/} See Petitions For Reconsideration of Ameritech Corporation ("Ameritech") at pp. 7-9; Nokia Telecommunications, Inc. ("Nokia") at p. 2; AT&T Wireless at p. 2; XYPOINT Corporation ("XYPOINT") at pp. 4-5; Bell Atlantic NYNEX Mobile ("BANM") at p. 5; and The Cellular Telecommunications Industry Association ("CTIA") at pp. 10-12.

calls, at the request of the Public Safety Answering Point ("PSAP"), from mobile units that have no code identification.^{3/} Requiring the transmission of these calls, the petitioners asserted, is not in the public interest and results in bad public policy. For example, non-code calls eliminate the ability of the PSAP to call back the mobile unit; the carrier cannot uncover the identity of the caller, thus enabling fraudulent and criminal actions; and carriers cannot recover their costs since consumers could receive enhanced 911 ("E911") services by purchasing a mobile phone without signing up for service.

The Joint Commenters were the sole opponent of the petitions seeking reconsideration of the E911 Report and Order. No other party to this proceeding filed an Opposition which supported the Commission's decision or challenged the position of Nextel and others that the transmission of non-code identified calls is bad public policy.

Moreover, the Joint Commenters, while singularly "opposing" the position of these petitioners, agree that there are difficulties in transmitting these calls and recognize the limitations of such calls -- including the inability to provide call-back.^{4/} Moreover, the Joint Commenters themselves disagreed

^{3/} Code identification, as Nextel asserted in its Petition for Reconsideration and its Comments, should encompass the International Mobile Service Identifier ("IMSI") as well as the Mobile Identification Number ("MIN"). See also Petitions of Nokia at pp. 1-2; Telecommunications Industry Association ("TIA") at p. 5; PCIA at p. 6; and CTIA at pp. 12-13.

^{4/} Joint Commenters at p. 2.

on whether or not these non-code identified calls should be transmitted to the PSAP.^{5/} In deciding to support the Commission's decision to require transmission upon the request of the PSAP, the Joint Commenters ignore the realities of the situation and fail to even address, much less rebut, any of the issues raised in the petitions for reconsideration.

Given the limited -- and tepid -- support for the transmission of non-code calls, and the strong, well supported opposition to it, the Commission should reconsider its decision to require transmission of such calls. The potential for fraud and abuse far outweighs any limited benefits that will be provided consumers attempting to use a non-code-identified mobile unit, *i.e.*, a phone that has never been placed into service, that has been stolen, or that has had its service terminated. Given the limited incremental benefits and the overwhelming disadvantages of mandating transmission of such 911 calls, Nextel respectfully requests that the Commission reconsider its decision and eliminate this requirement.

III. CONCLUSION

As Nextel has stated on numerous occasions, the wireless industry is not disputing the Commission's conclusion that wireless E911 services are in the public interest. However, the Commission has extended its policy beyond the bounds of the public interest and created bad public policy by enabling fraudulent and criminal activities on the wireless telecommunications network. The

^{5/} *Id.*

industry has clearly defined the problems and complexities with the transmission of non-code identified numbers, and no one -- including the Joint Commenters -- has disputed those assertions. Based on this evidence, therefore, the Commission should eliminate this requirement from its E911 rules.

Respectfully submitted,
NEXTEL COMMUNICATIONS, INC.

By, 

Robert S. Foosaner
Senior Vice President -
Government Affairs

Lawrence R. Krevor
Director - Government Affairs

Laura L. Holloway
General Attorney

Nextel Communications, Inc.
800 Connecticut Avenue, N.W.
Suite 1001
Washington, D.C. 20006
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CERTIFICATE OF SERVICE

I, Rochelle L. Pearson, hereby certify that on this 15th day of October 1996, caused a copy of the attached Reply to Opposition of Nextel Communications, Inc. to be served by hand delivery or first-class mail, postage prepaid to the following:

James R. Hodson
Donelan, Cleary, Wood & Maser, P.C.
1100 New York Avenue, N.W., Suite 750
Washington, D.C. 20005-3934

Robert M. Gurs
Wilkes, Artis, Hedrick & Lane Chtd.
1666 K Street, N.W., Suite 1100
Washington, D.C. 20006


Rochelle L. Pearson